

8701086

ORANGEFAIR PROJECT

REDEVELOPMENT PLAN
Orangefair Project
Orange County, California
about 400 acres
about \$100 million
about 10 years
about 10,000 people
about 10,000 jobs
about 10,000 families
about 10,000 homes
about 10,000 cars
about 10,000 people
about 10,000 families
about 10,000 homes
about 10,000 cars

Planning Area: 10,000

Population:
10,000 families
10,000 homes
10,000 cars
10,000 people
10,000 families
10,000 homes
10,000 cars
10,000 people
10,000 families
10,000 homes
10,000 cars

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UNIVERSITY OF CALIFORNIA

PROPOSED REDEVELOPMENT PLAN
FOR THE ORANGEFAIR
REDEVELOPMENT PROJECT

ADOPTED DECEMBER 18, 1973

ACKNOWLEDGEMENTS

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REDEVELOPMENT PLAN FOR THE
ORANGEFAIR REDEVELOPMENT PROJECT

1 INTRODUCTION

The Redevelopment Plan for the Orangefair Redevelopment Project has been prepared as a result of the Orangefair Business District: Phase One Study which recommended the initiation of a redevelopment project as a critical step in upgrading a portion of the City of Fullerton that now shows signs of decline in terms of economic activity and environmental quality.

Basic to Fullerton's redevelopment strategy is to make maximum use of private enterprise in eliminating the negative conditions of blight. Public improvements, such as streets and open space, and design features will be used to encourage private redevelopment. Land assembly will be done primarily by private enterprise with assistance from the Redevelopment Agency only where it becomes essential for assembling suitable parcels.

The Redevelopment Plan for the Orangefair Redevelopment Project has been prepared by the Fullerton Redevelopment Agency pursuant to the Community Redevelopment Law of the State of California, the California Constitution and all applicable local laws and ordinances.

2 PROJECT AREA BOUNDARIES AND BOUNDARY DESCRIPTION

The boundaries of the Orangefair Business District Redevelopment Project Area (Project Area) are indicated in Figure 1. Generally, the Project Area is bounded by:

1. the Riverside Freeway on the south;
2. Lemon Avenue and the alley east of Harbor on the east;
3. the Fullerton Creek Channel and Walnut Avenue on the north;
4. the alley west of Harbor and the alley west of Highland on the west.

Existing land uses in the Project Area include a cross section of Fullerton's land use mix. Major portions of the Project Area are utilized for commercial uses including a deteriorating strip area adjacent to Harbor Boulevard, and the Orangefair Shopping Mall. Additional uses within the Project Area are devoted to auto service and repair, light industry with outdoor storage facilities that are unscreened and vacant land. Other minor areas within the Project Area are devoted to residential use or public facilities.

The legal description of the Orangefair Redevelopment Project Area is as follows:

That certain real property situated in the City of Fullerton, County of Orange, State of California, being those portions of Section 32 and 33, Township 3 South, Range 10 West and Sections 3 and 4, Township 4 South, Range 10 West, San Bernardino Meridian, more particularly described as that property within the following boundaries.

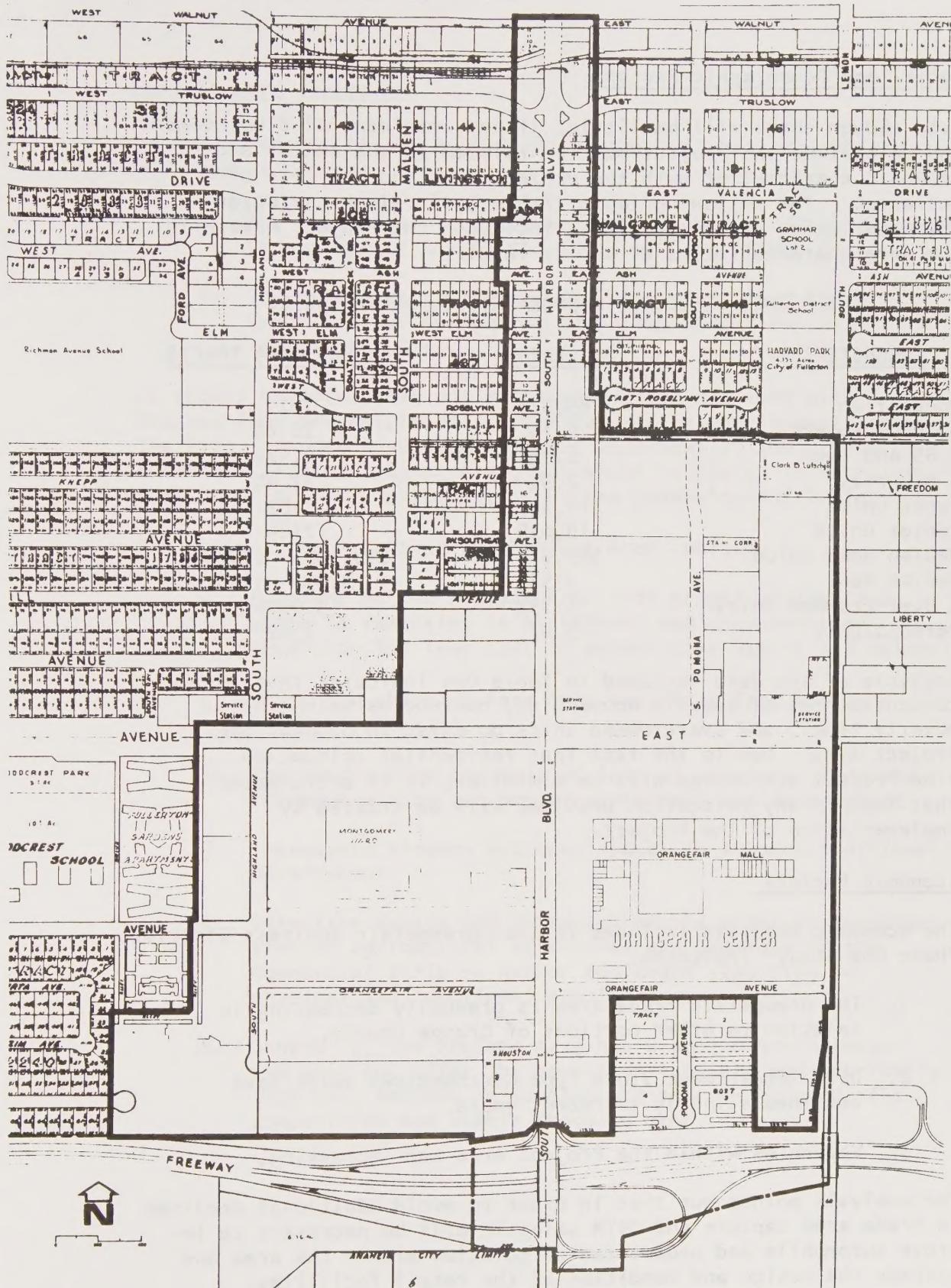
Beginning at the intersection of the center line of East Orangefair Avenue and the easterly right-of-way line of South Lemon Street, 60 feet wide, said point being in the southerly boundary of the City of Fullerton as same existed October 1, 1973; thence, Southerly along said City boundary and said easterly right-of-way line to a point in a line perpendicular to the center line of said South Lemon Street and distant southerly 107.21 feet measured along last said center line from the center line of Orangefair Avenue; thence, along said perpendicular line, Westerly 80.00 feet to an angle point in the westerly right-of-way line of said South Lemon Street, said angle point being also in the northerly right-of-way line of the Riverside Freeway; thence, along said westerly right-of-way line of South Lemon Street and said northerly right-of-way line of the Riverside Freeway, Southerly and Southwesterly to an

angle point in said northerly right-of-way line of the Riverside Freeway; thence, continuing along said northerly right-of-way line, Westerly to the southeast corner of Tract No. 8027; thence along the boundary of said Tract No. 8027, Northerly, Westerly, and Southerly to the southwest corner of said Tract No. 8027 and to a point in the aforesaid northerly right-of-way line of the Riverside Freeway; thence along said northerly right-of-way line, Westerly to the southeast corner of Tract No. 2240; thence along the east line of said Tract No. 2240, Northerly to a point in the westerly prolongation of the northerly right-of-way line of that certain 20-foot wide east-west alley lying approximately 408 feet southerly of Baker Avenue; thence, along said westerly prolongation and said northerly right-of-way line of that certain 20-foot wide alley, Easterly 365 feet more or less to a point in the westerly right-of-way line of that certain 20-foot wide north-south alley lying approximately 291 feet westerly of South Highland Avenue; thence, along said westerly right-of-way line Northerly to a point in the northerly right-of-way line of Baker Avenue; thence along said northerly right-of-way line, Easterly 16 feet more or less to a point on the westerly right-of-way line of that certain 25-foot wide north-south alley adjoining and lying westerly of the west line of Parcels 1 and 2 of Parcel Map filed in Book 51, Page 12 of Parcel Maps of Orange County; thence, along said westerly right-of-way, Northerly to a point in the northerly right-of-way line of West Orangethorpe Avenue; thence, along said northerly right-of-way, Easterly to the southerly prolongation of the west line of Parcel 2 of Parcel Map filed in Book 37, Page 39, Parcel Maps of said Orange County; thence, along said southerly prolongation, said west line of Parcel 2 and the northerly prolongation of said west line, Northerly to a point in the north right-of-way line of Hill Avenue; thence, along said north right-of-way line, Easterly to a point in the westerly right-of-way line of that certain 20-foot wide north-south alley adjoining and lying easterly of Lot 43 of Tract No. 886; thence, along said westerly right-of-way line, Northerly to a point in the south right-of-way line of Ash Avenue; thence, along said southerly right-of-way line, Westerly 50 feet more or less to a point in the southerly prolongation of the east line of Lot 63 of Tract No. 467; thence, along said southerly prolongation, said east line of Lot 63 and along the northerly prolongation of said east line to a point in the south line of Lot 6 of the Livingston Addition; thence, along said south line, Easterly 50 feet more or less to the southeast corner of said Lot 6; thence, along the east line of Lot 6, its northerly prolongation and the east line of Lot 23 of said Livingston Addition and its northerly prolongation, Northerly to the north right-of-way

line of Walnut Avenue; thence, along said north right-of-way line, Easterly 380 feet more or less to the east right-of-way line of that certain 20-foot wide north-south alley adjoining and lying Easterly of the east line of Lots 19 to 30, inclusive of Block 40 of the Townsite of Fullerton; thence, along said easterly right-of-way line and its southerly prolongation, Southerly to a point in the westerly prolongation of the center line of Rosslyn Avenue as same is shown on the map of Tract No. 1918; thence, along said westerly prolongation, Easterly 50 feet more or less to a point in the northerly prolongation of the west line of Lot 26 of said Tract No. 1918; thence, along said northerly prolongation and said west line, Southerly to the southwest corner of said Tract No. 1918, said point being in the northerly right-of-way line of the Orange County Flood Control District channel; thence, along said northerly right-of-way line, Easterly to a line parallel with and distant easterly 30.00 feet measured at right angles from the center line of Lemon Street; thence, along said parallel line and the City boundary of the City of Fullerton, Southerly to the point of beginning.

FULLERTON REDEVELOPMENT PROGRAM

FIGURE 1: PROJECT AREA BOUNDARIES



WILSEY & HAM

Social and Demographic Factors

Even though there will be little, if any, residential displacement and relocation the Project must be related to the social and economic character of both the Project Area and the City of Fullerton. The following table (Table One) relates selected characteristics of census tracts including the Project Area with the same characteristics at a City level.

TABLE ONE: SELECTED DEMOGRAPHIC CHARACTERISTICS

<u>CHARACTERISTIC</u>	<u>FULLERTON</u>	<u>PROJECT AREA TRACTS</u>
Population	85,826	7821
% Below Poverty Level	6.7%	20.8%
% 65 and Over	6.6%	2.9%+
% Minority	2.9%	32.4%
Owner Units	16,347	1102
Renter Units	10,630	2184
Median Home Value	\$29,024	\$19,900 - \$20,600
Median Rent	\$152	\$139 - \$150
% Over-Crowded Units	5.33%	9.06%+
Persons/Unit	3.07	2.62

Analysis of the data included in Table One indicates that concentrations of elderly households, households below the poverty level, and overcrowded units do exist in or near the Project Area. Due to the fact that residential relocation from Project activities will be minimized, it is anticipated that few, if any relocation problems will be created by implementation of the Project.

Economic Factors

The economic analysis included in the "Orangefair Business District: Phase One Study" indicates:

1. The Orangefair trade area is gradually decreasing in relation to other portions of Orange County.
2. DSTM (Department Store Type Merchandise) sales have declined slightly in recent years.
3. Vacancies within the Project Area are increasing.

The analysis points out that in order to avoid additional declines in trade area capture and DSTM sales it will be necessary to improve automobile and pedestrian circulation within the area and upgrade the design and condition of the retail facilities.

3 PROJECT AREA SELECTION

In the selection of the Project Area, the following criteria were utilized as a base:

1. The existence of blight as defined in the Community Redevelopment Law of the State of California.
2. The existence of anchor developments to form the framework for correcting blighting conditions within the Project Area.

It should be noted that not all improvements and land within the Project Area are detrimental and injurious to the Project Area. The Plan includes lands that are not injurious to the Orangefair Business District Project Area, but whose inclusion is necessary for the effective implementation of the Redevelopment Project.

The reasons for selecting the Project Area include:

1. Portions of the Project Area lack proper utilization which is resulting in a stagnant and unproductive condition for land that is potentially useful and valuable.
2. Mixed and shifting land uses resulting from faulty original planning.
3. The subdivision and sale of lots of irregular form and inadequate size for proper usefulness and development.
4. Inadequate streets and open spaces to support additional development.
5. Defective design and character of the physical construction of agricultural structures and portions of the commercial strip on Harbor Boulevard resulting in physical and functional obsolescence.
6. Generally, the Project Area has a poor overall image and does not offer the amenities that are now critically important factors in development and maintenance of a competitive and viable shopping area.

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4 NEIGHBORHOOD ELEMENT

There are approximately 146 dwelling units within the Project Area. With the possible exception of the multiple residential units located in the area west of Highland Avenue there are no real residential "neighborhoods" within the Project Area. The effects of the Project on residents of the Project Area and surrounding areas are described as follows:

4.1 Relocation

Relocation from two dwelling units may be required in assembling parcels of land for commercial uses, primarily adjacent to Orangethorpe Avenue. Such relocation, if necessary, should have a favorable effect on such residents as the Agency will provide for suitable replacement housing for persons so relocated in neighborhoods of less mixed land utilization. Acquisition of such residential properties by the Agency may in fact be the only economical means for persons wishing to relocate to better neighborhoods with no intermixture of residential and commercial and industrial uses. Vacancy Rates in suitable replacement housing are estimated to range between 1.0 and 1.5% for owner occupied units and 7.0 and 8.5% for rental units. No impact on the overall housing market is anticipated.

4.2 Traffic Circulation

In the commercial portions of the Project Area improvements will be made as funds become available to increase safety factors, and to eliminate conflicts between east-west and north-south traffic. These improvements will enhance the access to adjacent residential neighborhoods.

4.3 Environmental Quality

The short run impact of the Project may be negative because of the traffic, noise, and debris associated with rehabilitation and construction. However, after the development is completed, the improvements throughout the Project, which may include extensive landscaping and circulation changes, will significantly improve the environmental quality; in addition, cul-de-sacs

and other modified street patterns may be effectuated to minimize through-traffic in residential areas adjacent to the commercial areas within the Project Area.

4.4 Availability of Community Facilities and Services

Improved traffic circulation will permit greater access to the services within and without the Project Area. The development of new commercial uses will create convenient and additional shopping and services for both the Project Area and the City of Fullerton, and proposed park facilities will add needed park and playground areas at the northern edge of the Project Area for the benefit of the Project Area and adjacent neighborhoods.

4.5 Effect on School Population and Quality of Education

The development of multi-family dwellings where such uses are permitted will have a minor impact on school enrollment in the Project Area. If all the areas proposed for residential development as a primary or alternative use are developed, the total enrollment generated is estimated to be in the vicinity of 100± students. Added tax base eventually taxable by the school districts from development in the Project Area may generate revenues for use by the districts to improve the quality of education.

4.6 Property Assessments and Taxes

The improvements to real property will probably result in higher assessed values. The increase will be greater for commercial use properties and presently undeveloped property than for properties with existing uses that may require relocation.

4.7 Other Matters Affecting the Physical and Social Quality of the Neighborhood

To the extent that portions of the Project Area are underdeveloped and improvement projects are currently under construction or committed, change and development are going to come in the Project Area notwithstanding the adoption of a redevelopment plan for the area. The adoption of a redevelopment plan and its implementation by the Agency, in cooperation with other entities including the Project Area Committee, are means of assuring community control of the manner in which the inevitable changes will affect the physical and social quality of the neighborhood.

5 DEVELOPMENT GUIDELINES

Redevelopment of the Project Area is proposed in a phased program that will allow the Fullerton Redevelopment Agency:

1. To proceed with a first phase program that will relate to improvement of the Project Area south of Orangethorpe Avenue.
2. To proceed with additional phases of the Project only as operating funds are available for portions of the Project where redevelopment is to take place thereby assuring the Agency that all redevelopment actions in the Project Area will be financially feasible.
3. To test public and market reaction to the proposed land use groupings and design treatment before additional resources are committed to redevelopment activities.

Figures 2 and 3 indicate the proposed land uses, public improvements and the illustrative site plan for the Project Area. Each of the proposals is based on the elimination of blighting factors indicated in Section 3 of the Redevelopment Plan.

5.1 Land Use

Figure 2 indicates the location of Project Area land uses and proposed rights-of-way. The land use proposals include recommendations for commercial and residential development and public open space.

Commercial Use: Areas 1, 2, 3, 6, 7, 8, 9, and 10 shown on Figure 2 may be developed for commercial uses including but not limited to office, retail (specialty and convenience), service, hotel, motor hotel, entertainment including eating and drinking and theaters, vehicle sales and service and related auxiliary uses. The agency shall encourage the development of retail commercial uses in areas 1 and 2 indicated south of Orangethorpe Avenue. As an alternative use area 5a may be developed with commercial uses consistent with the existing zoning for such property.

Residential Use: Areas 4, 5a, and 5b may be developed for residential uses. It is anticipated that residential development within the Project Area will include multi-family housing as either rental units or condominium units at a maximum density of 27 units/acre. All new multi-family development shall conform to the zoning requirements of the City for residential development

as they now exist or are amended. Residential building types may consist of a mixture of townhouses, cluster housing, low rise and high rise apartments. In development of the residential portions of the Project Area the Agency shall discourage scattered development of multiple-family housing units. As one land use alternative, Areas 3 and 10 may be developed as residential use. Maximum density in Area 10 will be 20 units per acre.

Public and Semi-Public Uses: As indicated in Figure 2, area 11 is proposed as an expansion to Lemon Park. Other public open spaces and parking facilities may be developed and interspersed with commercial development. Should area 10 develop with commercial uses, an alternative use for area 11 may include commercial development.

5.2 Rights-of-Way/Circulation

As indicated in Figure 2 the circulation network within the Project Area will include:

1. Harbor Boulevard - Major Arterial
2. Orangethorpe Avenue - Major Arterial
3. Lemon Street - Primary Arterial
4. Orangefair Avenue - Local Collector

Additional streets within the Project Area will be constructed to provide local access and selected streets and alleys will be widened, altered, abandoned, realigned or closed for proper development of the Project Area and to facilitate circulation on Harbor Boulevard. Access rights to private property may be purchased by the Agency.

Rights-of-way for public streets may be created in the Project Area to serve areas 2, 3, 9 and 10 indicated in Figure 2.

5.3 Standards for Development

Standards which developers of property within the Project Area must meet include the provisions of the Fullerton Zoning Ordinance, the Fullerton Building Code and the Health and Safety Code of the State of California. Zoning recommended for the Project Area includes C-1, C-2 and C-H Commercial; and PRD, R-G, R-3 Residential.

Except as inconsistent with this Plan all requirements of the City's zoning ordinance as it now exists or is hereafter amended shall apply to development.

Additional standards may be indicated for particular parcels as part of redevelopment disposition agreements or owner participation agreements.

New Construction

All new construction shall comply with all applicable State and local laws in effect from time to time including, without limitations, the Building, Electrical, Heating and Ventilating, Housing and Plumbing Codes of the City of Fullerton.

Existing Uses

The Agency is authorized to permit an existing use to remain in an existing building in good condition, which does not conform to the provisions of this Plan, provided that such use is generally compatible with the developments and uses in the Project Area. The owner of such a property must be willing to enter into a participation agreement and agree to the imposition of such reasonable restrictions as are necessary to protect the development and use of the Project Area.

General Development Standards

1. The Agency shall establish setback and lot area requirements for all new development within the Project Area which may exceed the requirements of the City's zoning ordinance.
2. The Agency shall require that, as feasible, adequate landscaping and screening be provided for each use to create buffers between those areas designated for different uses. All outdoor storage of materials or equipment shall be enclosed or screened by walls, landscaping or other enclosure to the extent and in the manner required by the Agency.
3. The approximate amount of open spaces to be provided in the Project Area is the total of all areas which will be in the public rights-of-way, the public grounds, the space around buildings, and other outdoor areas not permitted to be covered by buildings. Landscaping plans shall be submitted to the Agency for review and approval to ensure optimum use of living plant material.
4. In all areas sufficient space shall be maintained between buildings to provide adequate light, air, and privacy.
5. Protruding, overhanging, blinking, flashing or animated signs shall not be permitted in the Project Area. No billboards, pennants, bunting, or similar devices for advertising for commercial display shall be permitted. The Agency shall permit only those signs necessary for identification of

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buildings, premises, and uses. Design of all signs shall be submitted to the Agency for review and approval before erection.

6. The Agency shall require that all utilities be placed underground when physically and economically feasible, or when not feasible, all above ground utilities shall be placed at the rear of parcels.

Design for Development

Within the limits, restrictions, and controls established in the Plan, the Agency is authorized to establish heights of buildings, land coverage, design criteria, traffic circulation, traffic access, and other development and design controls necessary for proper development of both private and public areas within the Project Area.

No new improvement shall be constructed and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated except in accordance with architectural, landscape, and site plans submitted to and approved in writing by the Agency. One of the objectives of this Plan is to create an attractive and pleasant environment in the Project Area. Therefore, such plans shall give consideration to good design, open space, and other amenities to enhance the aesthetic quality of the Project Area. The Agency shall not approve any plans that do not comply with this Plan.

Variations

Under exceptional circumstances, the Agency is authorized to permit a variation from the limits, restrictions and controls established by the Plan. In order to permit such variation, the Agency must determine that:

1. The application of certain provisions of the Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Plan.
2. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions, and controls.
3. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area.

4. Permitting a variance will not be contrary to the objectives of the Plan.

No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan. In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public health, safety, or welfare, and to assure compliance with the purposes of the Plan.

Incompatible Uses

No use or structure which by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors would be incompatible with the surrounding areas or structures shall be permitted in any part of the Project Area. Within the Project Area, except with the approval of the Agency, there shall be no extraction of oil, gas, or other mineral substances, nor any opening or penetration for any purpose connected therewith within 500 feet of the surface.

Nondiscrimination and Nonsegregation

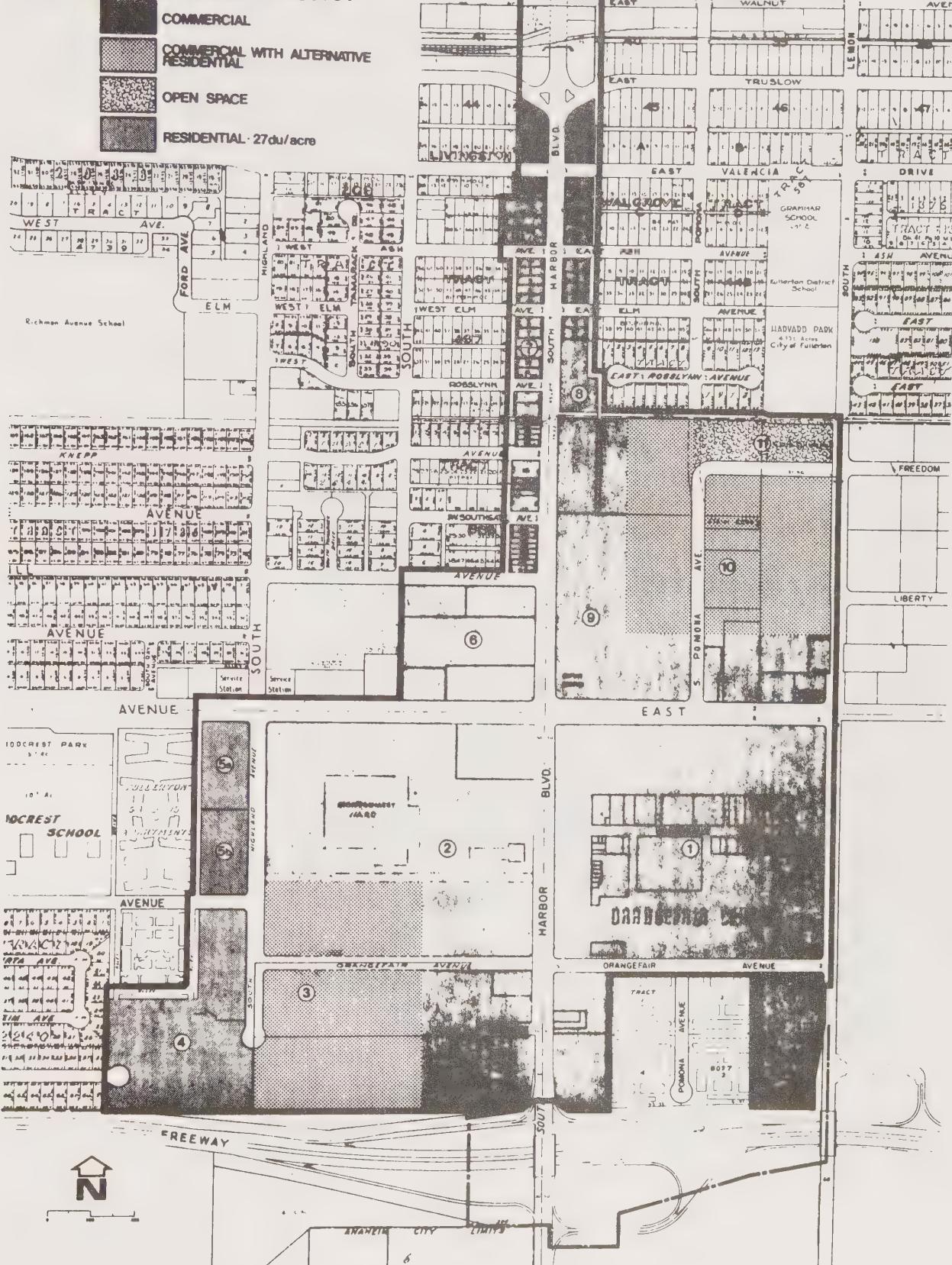
There shall be no discrimination or segregation based upon race, color, creed, religion, national origin, or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area.

Resubdivision of Parcels

No parcel in the Project Area, including any parcel retained by a conforming owner or participant, shall be resubdivided without the approval of the Agency.

FULLERTON REDEVELOPMENT PROGRAM

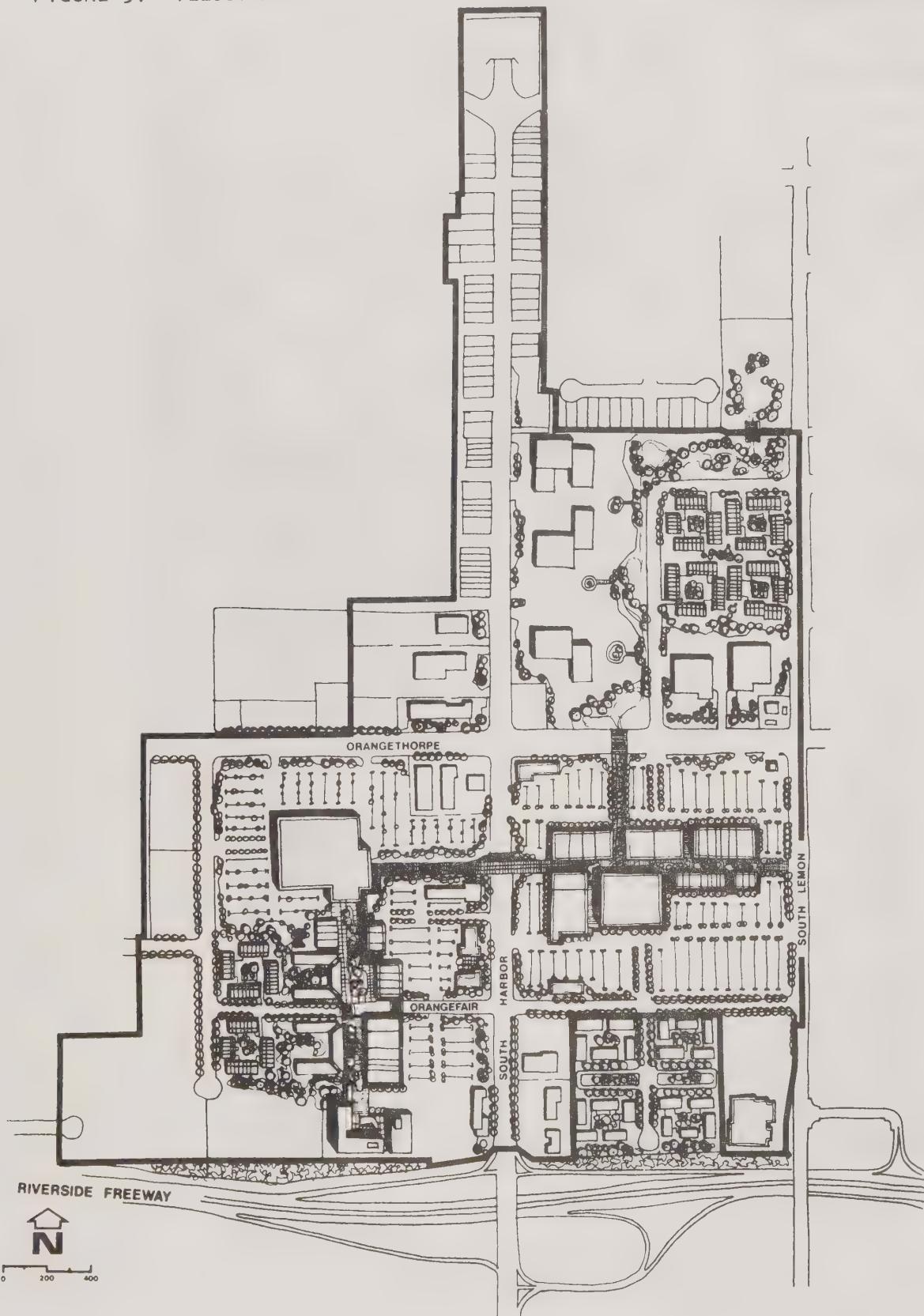
**FIGURE 2: LAND USE PLAN
ORANGEFAIR BUSINESS DISTRICT
REDEVELOPMENT PROJECT**



WILSEY & HAM

FULLERTON REDEVELOPMENT PROGRAM

FIGURE 3: ILLUSTRATIVE SITE PLAN



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6 RELOCATION

In implementing the Redevelopment Plan, the Agency will attempt to minimize relocation needs. However, when the relocation of a business concern, family or other person or concern is necessary the Agency shall:

1. Assist in finding other suitable locations; and
2. Make relocation payments.

6.1 Relocation Advisory Assistance

Relocation advisory assistance will be furnished by the City of Fullerton to any persons (either owners or renters) whose property is acquired by the Agency in connection with the implementation of the Redevelopment Plan. No person will be required to move from his dwelling unit because of the activities of the Redevelopment Agency in implementing the Redevelopment Plan unless replacement housing is available in areas not generally less desirable in regard to public utilities and public and commercial facilities are available for such person, at rents or prices within the financial means of such person, and the replacement dwelling unit is decent, safe, sanitary, and located so that it is reasonably accessible to the place of employment of the person to be relocated. If such replacement housing is not available and the Agency determines that such housing cannot be made otherwise available, the Agency shall provide such housing.

6.2 Relocation Payments

The Agency is authorized to pay the actual and reasonable moving expenses of any person whose dwelling unit or the land on which such dwelling unit is located is acquired by the Agency. As an alternative to receiving such payments, any person who is displaced from a dwelling unit may receive a moving expense allowance, and an additional dislocation payment as provided in Section 7262 of the Government Code. The Agency is further authorized to financially assist a displaced dwelling owner or renter meeting the qualifications contained in Section 7263 and 7264 of the Government Code in order to provide suitable housing for any person displaced from his residence as a result of the Redevelopment Agency's implementation of the Redevelopment Plan.

6.3 Commercial and Industrial Relocation

Existing businesses and industry within the Project Area will be given first priority to acquire parcels made available for business and industrial development through the redevelopment process. Relocation advisory assistance for any business or industry will be made available through the City of Fullerton. In the event that it becomes necessary to relocate a business, and the business cannot be relocated without a substantial loss of patronage, and the business is not part of a commercial enterprise having at least one other establishment engaged in the same or similar business, the Agency is authorized to pay to such business a relocation payment as provided in Section 7262 of the Government Code. The Agency is also authorized to pay any and all actual and reasonable moving expenses of a business if the business is required to relocate as a result of the implementation of the Redevelopment Plan.

7 METHODS FOR FINANCING THE PROJECT

7.1 General Description of the Proposed Financing Methods

Upon adoption of this Plan by the City Council, the Agency is authorized to finance this Project with financial assistance from the City, State of California, property tax increments, interest income, Agency bonds, or any other available source.

Advances and loans for survey and planning and operating capital and for nominal administration of this Project have been, and are to be provided by the City until adequate tax increments or other funds are available or sufficiently assured to repay the loans and to permit borrowing adequate working capital from sources other than the City. The City as it is able will also supply additional assistance through City loans and grants for various public facilities.

As available, gas tax funds from the State of California and the County of Orange will be used for the street system. Some revenue will also accrue to the Project from interest earned on investments of Agency funds.

The Agency is hereby authorized to obtain advances, borrow funds and create indebtedness in carrying out the Redevelopment Plan. The principal and interest on such advances, funds, and indebtedness may be paid from tax increments, bonds, or any other funds available to the Agency.

7.2 Agency Bonds

The Agency is authorized to issue bonds if needed and feasible in an amount sufficient to finance the Project. The principal and interest may be payable:

1. Exclusively from the income and revenues of the redevelopment projects financed with the proceeds of the bonds, or with such proceeds together with financial assistance from the state or federal government in aid of the projects.
2. Exclusively from the income and revenues of certain designated redevelopment projects whether or not they were financed in whole or in part with the proceeds of the bonds.

3. In whole or in part from taxes allocated to, and paid into a special fund of the Agency.
4. From its revenues generally.
5. From any contributions or other financial assistance from the state or federal government.
6. By any combination of these methods.

7.3 Tax Increments

All taxes levied upon taxable property within the Project each year by or for the benefit of the State of California, County of Orange, City of Fullerton, any district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this Redevelopment Plan, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the Redevelopment Project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory of the Project on the effective date of such ordinance but to which such territory is annexed or otherwise included after such effective date, the assessment roll of the County of Orange last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the Project on said effective date); and
2. That portion of said levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on bonds, loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, this Redevelopment

Project. Unless and until the total assessed value of the taxable property in the Project exceeds the total assessed value of the taxable property in the Project as shown by the last equalized assessment roll referred to in paragraph (1) hereof, all of the taxes levied and collected upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies. When said bonds, loans, advances and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

The portion of taxes mentioned in paragraph (2) may be irrevocably pledged for the payment of the principal of and interest on the advance of moneys, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the Redevelopment Agency to finance or refinance in whole or in part the Project.

The Agency is authorized to make such pledges as to specific advances, loans and indebtedness as appropriate in carrying out the Project.

7.4 Other Loans and Grants

Any other loans, grants, or financial assistance from the United States, or any other public or private source may be utilized by the Agency if desired and when they become available.

7.5 Bonding Feasibility

Agency bonds shall be issued only when the Agency has determined that the Agency will have funds available to pay the interest and principal on any such bonds when they become due and payable. In any case where the determination of the availability of funds for the payment of principal and interest on any such bonds cannot be ascertained to the reasonable satisfaction of the Agency from information available through its staff or that of the City, the Agency shall engage financial counsel to advise it whether funds will be available for the repayment of principal and interest on any such bonds.

8 IMPLEMENTATION PROVISIONS

8.1 Proposed Redevelopment Actions

The Agency proposes to eliminate and prevent the spread of blight in the Project Area by:

1. Acquisition of certain real property and property rights;
2. Relocation assistance to displaced non-residential and residential occupants;
3. Demolition or removal of certain buildings and improvements;
4. Installation, construction or reconstruction of streets, utilities, and other public improvements;
5. Disposition of property acquired for uses in accordance with this Plan;
6. Redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan.

8.2 Acquisition of Real Property

The Agency may acquire but is not required to acquire, all real property located in the Project Area, by gift, devise, exchange, purchase, eminent domain, or any other lawful method.

It is in the public interest and is necessary in order to eliminate the conditions requiring redevelopment and in order to execute the Plan, for the power of eminent domain to be employed by the Agency to acquire property in the Project Area.

The Agency is not authorized to acquire real property owned by public bodies which do not consent to such acquisition. The Agency is authorized, however, to acquire public property if it is transferred to private ownership before the Agency completes land disposition within the entire Project Area, unless the Agency and the private owner enter into a participation agreement.

The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in real property less than a fee.

The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner, unless:

1. Such building requires structural alteration, improvement, modernization, or rehabilitation;
2. The site or lot on which the building is situated requires modification in size, shape, or use;
3. It is necessary to impose upon such property any of the standards, restrictions and controls of the Plan and the owner fails or refuses to participate in the Plan by executing a participation agreement.

Generally personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project area by any lawful means.

8.3 Participation in Redevelopment by Owners and Tenants

Owners of property and business tenants may participate in the redevelopment of property in the Project Area in accordance with the Preference Rules and Participation Rules adopted by the Agency. In general, these rules provide that existing business owners and business tenants within the Project Area be given preference for re-entry into business within the redeveloped Project Area. Owners will be required to submit proof to the Agency of their qualifications and financial ability to carry out their agreement with the Agency.

Each participant not a conforming owner shall enter into a binding agreement with the Agency by which the participant agrees to rehabilitate, develop, or use the property in conformance with the Plan and to be subject to the provisions hereof. In such agreements, participants who retain real property shall be required to join in the recordation of such documents as are necessary to make the provisions of this Plan applicable to their properties.

In the event an owner or business tenant is unable or refuses to execute a participation agreement acceptable to the Agency to accomplish the purposes of this Plan, the provisions of this Plan shall govern the development, redevelopment and future use of the property involved, as an alternative to development of the property by the owner or business tenant, and the Agency may acquire any property involved, and sell, lease, or otherwise provide for the development of such property in accordance with this Plan.

The Agency may determine that certain real property within the Project Area presently meets the requirements of this Plan and the owners of such properties will be permitted to remain as conforming owners without a participation agreement with the Agency provided such owners continue to operate and use the real property within the requirements of this Plan.

8.4 Property Disposition

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property.

To the extent permitted by law, the Agency is authorized to dispose of real property by negotiated leases or sales without public bidding.

All real property acquired by the Agency in the Project area shall be sold or leased to public or private persons or entities for development for the uses permitted in the Plan. Real property may be conveyed by the Agency to the City or any other public body without charge. Property containing buildings or structures rehabilitated by the Agency shall be offered for resale within one year after completion of rehabilitation or an annual report concerning such property shall be published by the Agency as required by law.

The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to insure that development is carried out pursuant to this Plan.

All purchasers or lessees of property shall be made obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period

of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

For the purposes of this Plan the Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property.

8.5 Purchase and Development Documents: Controls and Covenants to Insure Compliance with The Redevelopment Plan

To provide adequate safeguards to insure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, shall be made subject to the provisions of this Plan by leases, deeds, contracts, agreements, declarations of restrictions, provisions of the zoning ordinance, conditional use permits, or other means. Where appropriate, as determined by the Agency, such documents or portions thereof shall be recorded in the office of the Recorder of the County.

The leases, deeds, contracts, agreements, and declarations of restrictions may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provision necessary to carry out this Plan.

All property in the Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, sex, color, creed, religion, national origin, or ancestry, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area. All property sold, leased, conveyed, or subject to a participation agreement shall be made expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer or use, occupancy, tenure or enjoyment of land in the Project Area shall contain such nondiscrimination and nonsegregation clauses as are required by law.

To the extent now or hereafter permitted by law, the Agency is authorized to pay for all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement either within or outside the Project Area for itself or for any public body or entity to the extent that such improvement would be of benefit to the Project Area.

During the period of development in the Project Area, the Agency shall insure that the provisions of this Plan and of other documents formulated pursuant to this Plan are being observed, and that development in the Project Area is proceeding in accordance with development documents and time schedules.

The Agency shall require that development plans be submitted to it for approval and review. All development must conform to this Plan and all applicable Federal, State, and local laws, except as such may be modified by requirements of this Redevelopment Plan or Agency agreements entered into to carry out the purposes of this Plan.

8.6 Building Permits Within the Project Area

- A. Review of Applications for Issuance of Permits: Upon the adoption of this Plan no permit shall be issued for the construction of any new building or any addition to an existing building in the Project Area until the application for such permit has been processed in the manner provided.

Upon receipt of an application for a building permit by the Development Services Department of the City of Fullerton, the Department shall determine if the proposed improvements will conform to this Plan. Within 15 days thereafter the Development Services Department shall file a written report setting forth findings of fact, including, but not limited to, the following:

1. Whether the proposed improvements will be compatible with the standards and other requirements set forth in this Plan.
2. What modifications, if any, in the proposed improvements would be necessary in order to meet the requirements of the Plan and the Agency.
3. Whether the applicant has entered into an agreement with the Agency for the development of said improvements and submitted architectural, landscape, and site plans to the Agency.

After receipt of said report or after said 15-day period, whichever occurs first, the Development Services Department may issue the permit with conditions, if any, required by the Agency; or it shall withhold the issuance of the permit, if the Agency or Department finds that the proposed improvement does not meet the requirements of this Plan and the design

requirements of the Agency. Within 7 days after allowing or withholding issuance of the permit, the Development Services Department shall notify the applicant and the Agency by certified mail of its decision.

B. **Appeal:** The applicant or the Agency may appeal the decision to withhold, conditionally allow, or allow the issuance of such permit to the City Council. Within 10 days from the mailing of the notice of such decision, the appellant shall file his notice of appeal in duplicate with the City Clerk, who shall immediately forward one of the duplicates to the City Administrator. The notice of appeal shall set forth the grounds relied upon by the appellant. Within 10 days following the filing of the appeal, the City Council shall set the matter for hearing and shall give notice of the time and place for said hearing to the applicant and to the Agency.

The City Council may reverse or affirm wholly or partly, or may modify any decision or determination or may impose such conditions as the facts warrant, and its decision or determination shall be final. Any hearing may be continued from time to time.

8.7 Actions by the City and Community Cooperation

The City shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Action by the City shall include, but not be limited to, the following:

1. Institution and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way, and for other necessary modifications of the streets, the street layout, and other public rights-of-way in the Project Area. Such action by the City shall include proceedings for the abandonment and relocation by the public utility companies of their operations in public rights-of-way as appropriate to carry out this Plan.
2. Institution and completion of proceedings necessary for changes and improvements in publicly-owned public utilities within or affecting the Project Area.

3. Revision of zoning within the Project Area where necessary to permit the land uses and development authorized by this Plan.
4. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency shall develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan.
5. Performance of the above, and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
6. The undertaking and completing of any other proceedings necessary to carry out the Project.
7. The City of Fullerton may finance activities of the Agency either through loans or grants. All moneys expended by the City on behalf of the Agency shall, unless otherwise established at the time the expenditure is made, be treated as loans to the Agency which shall be repaid to the City, and bear interest at the rate agreed on by the City and the Agency from the date the loan is made. The obligation of the Agency to repay any such loan or any interest thereon shall be subordinate to any other financial obligations of the Agency.

8.8 Property Management

During such time as property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment.

The Agency is authorized, but not required, to make payments to taxing agencies in lieu of property taxes to make up tax loss occurring after the date of adoption of the Plan by the City Council.

9 ENFORCEMENT

The administrative enforcement of this Plan or other documents implementing this Plan shall be performed by the City of Fullerton or the Fullerton Redevelopment Agency.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners or by the Agency or the City on their behalf.

10 DURATION OF THE REDEVELOPMENT PLAN

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective and the provisions of other documents formulated pursuant to this Plan may be made effective for 45 years from the date of adoption of this Plan by the City Council.

11 PROCEDURE FOR AMENDMENT

This Plan may be amended by means of the procedure established in Sections 33450-33458 of the Redevelopment Law as the same now exists or as hereafter amended, or by any other procedure hereafter established by law.

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